

### REMARKS

This is in response to the Office Action mailed on March 23, 2010. Claims 1, 5-11, 13-20, 22, 25, 28, 31, and 33-37 were pending in that action and all claims were rejected. With the present response, claims 1, 5-10, 13, 18, 22, 25, and 28 are amended, claim 14 is cancelled, and the remaining claims are unchanged. Consideration and allowance of all claims are respectfully solicited in light of the following comments.

#### **Specification Objection**

On pages 4-5 of the Office Action, the Examiner objected to the specification. In particular, the Examiner stated that the specification did not support the claim 13 amendment. The Examiner noted that the specification stated that the storage information could include temperature or shock information, and that the claim recited that the storage information included temperature and shock information. The claim has been amended to eliminate temperature information and now recites only that the storage information includes shock information. Applicant respectfully contends that at least as amended that all claims are supported by the specification. Applicant respectfully requests that the objection be withdrawn.

#### **35 USC §103 Rejections**

On pages 5-22 of the Office Action, the Examiner rejected claims 1, 5-11, and 13-20 as being unpatentable over Swartz et al. U.S. Pat. No. 6,837,436 (hereinafter "Swartz") in view of Swan et al. U.S. Pat. No. 6,901,304 (hereinafter "Swan") in view of Francis et al. U.S. Pat. No. 6,600,418 (hereinafter "Francis") and in further view of De Wilde U.S. Pat. Pub. No. 2004/0069850 (hereinafter "De Wilde"). On pages 22-34 of the Office Action, the Examiner rejected claims 22, 25, 28, 31, and 33-36 as being unpatentable over Swartz in view of Swan and in further view of Spriestersbach et al. U.S. Pat. No. 7,020,494 (hereinafter "Spriestersbach"), and on pages 34-35 of the Office Action, the Examiner rejected claim 37 as being unpatentable over Swartz in view of Swan in view of Spriestersbach and in further view of "NPL\_RFID\_IEC\_18000." For at least the reasons discussed below, Applicant respectfully contends that the claims include limitations and combinations of limitations that are not anticipated by or obvious in view of the cited references. Accordingly, Applicant respectfully contends that the claims are patentable and respectfully requests that the rejections be withdrawn.

Claim 1:

Claim 1 has been amended to include the limitations previously recited in its dependent claims 5 and 14. Applicant respectfully contends that the limitations previously recited in claims 5 and 14 are patentable over the cited references and that amended claim 1 is therefore patentable.

First, the former claim 14 recited “preventing the moving device from moving upon an item not on the list being placed on the pallet,” “providing a manual override function to allow the moving device to move,” and “adding a notation that the manual override function was utilized.” An illustrative embodiment is described on page 33, lines 7-18 of Applicant’s specification. On pages 18-19 of the Office Action, the Examiner stated that the former claim 14 limitations are disclosed by column 12, lines 58-67 and column 9, lines 1-8 of Francis. Applicant respectfully disagrees.

Francis column 12, lines 58-67 describes a system that is fully automated. The section states for instance that “[t]he specific embodiments described above provide a fully automated system for identifying, moving and tracking objects throughout a warehouse or other similar environment.” Francis never discloses a manual override function. This is because a manual override function would not be needed in a fully automatic system.

Francis column 9, lines 1-8 describes a system having a processor that records movement history. In particular, the section states that “[t]he processor may also write the updated movement history and/or the status of the pallet 132 to the RFID tag 130.” Francis does not disclose that its movement history includes any movements based on a manual override function. In light of other sections of Francis, such as column 12, lines 58-67 discussed in the preceding paragraph, Francis at least implies that its movements are based on fully automated movements. Accordingly, the Francis movement history pertains to automatic movements and not those based upon a manual override function.

Next, as was previously mentioned, claim 1 has also been amended to recite the limitations previously recited in its dependent claim 5. On pages 10-12 of the Office Action, the Examiner stated that the former claim 5 limitations are disclosed by Swan column 15, line 56 to column 16, line 23. Applicant respectfully disagrees.

The former claim 5 recited in part “providing delivery and transport information to the RF tag on the pallet, the information including a delivery address, a freight company, and interim transit points.” No section of Swan, nor any section of any of the other cited references, teaches or discloses such features. The section cited by the Examiner states that “[t]he shipping clerk uses the system to confirm that certain shipments (already known to system) will be loaded onto a certain transport vehicle (e.g., a truck). This action associates a certain reader (at the loading dock for the truck) with a vehicle and, indirectly, with a set of shipments.”

The cited section does not disclose providing delivery and transport information to an RF tag on a pallet. Instead, the cited section only discloses that a set of shipments may be indirectly associated with a certain transport vehicle through a reader. Swan certainly does not disclose the particular delivery and transport information recited in the claim (i.e. a delivery address, a freight company, and interim transit points).

For at least the reasons discussed above, Applicant respectfully contends that claim 1 is patentable over the cited references. Applicant respectfully requests that the rejection be withdrawn and that the claim be allowed.

Claim 22:

Claim 22 has been amended to recite several new limitations. Some of the new limitations further define the previously recited “picklist.” For instance, the amended claim recites that the picklist includes five columns each of which includes a specific type of information. An illustrative embodiment of such a picklist is described on page 25, line 11 to page 26, line 25 of Applicant’s specification and is shown in Applicant’s FIG. 4.

On page 23 of the Office Action, the Examiner stated that the claimed picklist is disclosed by column 2, lines 54-60 of Swartz. Applicant respectfully contends that at least as amended that the claim 22 picklist is distinguishable from Swartz.

Swartz column 2, lines 54-60 discloses a “list of items” that is displayed on a portable hand-held terminal. Swartz states that the list includes all of the items that are to be collected by a customer. Swartz column 2, lines 61-64 goes on to describe other information that may accompany its list of items. That other information includes product ingredients, nutritional data, price information, promotional data, and government subsidy information (e.g. applicability of

food stamps).

Swartz never discloses a list that includes the type of information recited in the claim, and Swartz also never discloses arranging information as is recited in the claim. The claim for example recites a fifth column that includes item location information that identifies, for each of the items in the list, a location of the item within a warehouse. The claim also for example recites a third column that includes a quantity of items present on a pallet. Swartz never discloses such types of information.

Additionally, Applicant respectfully contends that it would not be obvious to modify Swartz to include the claim 22 limitations. Swartz is directed towards a list of food items to be collected by a customer in a grocery store. Very generally speaking, claim 22 is directed to the placement of objects from a warehouse on a pallet by a forklift operator. Accordingly, it would not be obvious to modify the Swartz grocery store list to include information pertaining to pallets, warehouses, forklifts, and the like.

For at least the reasons discussed above, Applicant respectfully contends that claim 22 is patentable over the cited references. Applicant respectfully requests that the rejection be withdrawn and that the claim be allowed.

Claims 5-11, 13, 15-20, 25, 28, 31, and 33-37:

Claims 5-11, 13, 15-20, 25, 28, 31, and 33-37 are dependent claims. Applicant respectfully contends that the claims are allowable at least based on their dependencies upon the patentable independent claims discussed above. Additionally, several of the claims have been amended to recite new limitations and/or new combinations of limitations that have not been previously considered by the Examiner. Applicant respectfully contends that these limitations and combinations of limitations are patentable over the cited art.

Claim 9 for instance has been amended to recite that “the locations of the other product moving devices and the blocked aisles [are] communicated to the product moving device from a master computer system that receives information indicative of the other product moving devices and of the blocked aisles utilizing RFID readers located within the store.” An illustrative example of such an embodiment is described for instance on page 24, line 28 to page 25, line 2 of the specification and on page 27, lines 8-13 of the specification. Applicant has carefully

reviewed the cited references and respectfully contends that the limitation is not disclosed or suggested by any of the cited references considered individually or in combination. Accordingly, Applicant respectfully contends that the claim is patentable.

The other dependent claims similarly recite limitations that are patentable over the cited references, and Applicant therefore respectfully contends that the claims are patentable based upon their own merits. Each of the claim amendments is well supported throughout the application as originally filed. Exemplary support for the amendments is listed below.

The claim 5 and 8 amendments are supported for example by FIG. 4 and on page 25, line 21 to page 26, line 9 of the specification. The claim 9 amendment is supported for example on page 24, line 28 to page 25, line 2 and on page 27, lines 8-13 of the specification. The claim 10 amendment is supported for example on page 27, lines 6-8 of the specification. The claim 13 amendment is supported for example on page 18, lines 2-8 of the specification. The claim 18 amendment is supported for example on page 28, line 28 to page 29, line 1 of the specification. The claim 25 amendment is supported for example by FIG. 4, and the claim 28 amendment is supported for example on page 33, lines 7-18 of the specification.

### **Conclusion**

It is respectfully submitted that all claims are now in condition for allowance. Accordingly, consideration and allowance of all pending claims are respectfully solicited. Applicant also respectfully requests that in the event that the Examiner does not find the

independent claims patentable, that the Examiner consider allowance of one or more of the dependent claims. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

MICROSOFT CORPORATION

By: /christopher l holt/  
Christopher L. Holt, Reg. No. 45,844  
Westman, Champlin & Kelly, P.A.  
900 Second Ave South - Suite 1400  
Minneapolis, MN 55402

One Microsoft Way  
Redmond, Washington 98052-6399  
Phone: (425) 707-9382

CLH:NKB:rk